

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MELISA BUIE,
BRIGITTE STOEHR and GUENTHER RUHL

Application 10/024, 958

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 12, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the file reveals that a supplemental Information Disclosure Statement (IDS) was filed April 15, 2004. It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why

their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required. This deficiency was previously noted in the ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER mailed March 10, 2005.

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for consideration of the supplemental IDS filed April 15, 2004, and appropriate notification to appellants regarding the Primary Examiner's decision; and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:



DALE M. SHAW

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dms/psb/meh